

Notice of Allowability

Application No.

09/659,645

Applicant(s)

SMITHSON ET AL.

Examiner

Art Unit

Abdulhakim Nobahar

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 August 2004.
2. ☒ The allowed claim(s) is/are 2-12, 14-17, 19, 20, 23-27, 29, 31-34, 36-46 and 48-51.
3. ☒ The drawings filed on 02 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. Cancellation of claims 1, 13, 18, 21-22, 28, 30, 35 and 47 and amendments of claims 4-5, 14-17, 19-20, 23-27, 29, 38-39, and 48-51 are acknowledged and that the amendments of claims do not introduce any new matter to the claimed invention.
2. Claims 2-12, 14-17, 19-20, 23-27, 29, 31-34, 36-46 and 48-51 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of the independent claims 4, 5, 14-17, 19, 20, 23-27, 29, 31-34, 38, 39 and 48-51 are the inclusion of the following limitations that are not found in the prior art and they are uniquely distinct features. The closest prior art are Arnold et al. (5,440,723; hereinafter Arnold) and Kim et al. (6,701,440 B1; hereinafter Kim). Arnold discloses a method for automatically detecting and eliminating an undesirable software entity such as a virus in a computer system or in a network of computer system. Kim discloses a method for protecting a computer network by detecting e-mail viruses before the e-mail message is sent to its destination in the network. However, these two arts, singularly or in combination, fail to anticipate or render the following limitations:

"Claims 4 and 38: wherein said sequence of predefined actions varies in dependence upon time of day."

"Claims 5 and 39: wherein said sequence of predefined actions varies in dependence upon day of week."

"Claims 14 and 31: wherein said predefined action of blocking e-mail attachments blocks identical attachments appearing in excess of a threshold level."

"Claims 15, 32 and 49: wherein one of said predefined actions is rendering non-accessible e-mail distribution lists and e-mail address books of e-mail clients coupled to said computer apparatus."

"Claims 16, 33 and 50: wherein one of said predefined actions is restarting in administrator mode an e-mail post office coupled to said computer apparatus."

"Claims 17, 34 and 51: wherein one of said predefined actions is closing down an e-mail post office coupled to said computer apparatus."

"Claim 19: wherein said sequence of predefined actions varies in dependence upon time of day; wherein said sequence of predefined actions is user defined."

"Claim 20: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one or more of said predefined

actions is performed after receipt of a user input confirming said predefined action.”

“Claim 23: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one of said predefined actions is reducing virus detection notifications.”

“Claim 24: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one of said predefined actions is switching from virus quarantining to virus deletion when a computer virus is detected.”

“Claim 25: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one of said predefined actions is increasing scan options that control how thoroughly said computer system is scanned to detect a computer virus.”

“Claim 26: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one of said predefined actions is sending a copy of said detected computer virus to a remote site for analysis.”

"Claim 27: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one of said predefined actions is downloading a latest virus definition file from a remote site."

"Claim 29: wherein said sequence of predefined actions varies in dependence upon time of day; wherein one of said predefined actions is performing a complete virus scan of all computer files stored in at least a portion of said computer apparatus."

"Claim 48: wherein one of said predefined actions is blocking e-mail attachments; wherein a said predefined action of blocking e-mail attachments blocks identical attachments appearing in excess of a threshold level."

4. The dependent claims 2, 3, 6-12, 36, 37 and 40-46 are allowed because they were originally found to include a unique feature not found in the closest abovementioned art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulkhikim Nobahar
Examiner
Art Unit 2132 *A.N.*

AN

January 20, 2005

Gilberto Barron
GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100